

**ORIGINAL**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable MAXINE M. CHESNEY, Judge

UNITED STATES OF AMERICA,	)	<b>Status Conference</b>
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CR 18-00465 MMC
	)	
FUJIAN JINHUA INTEGRATED	)	Pages 1 - 25
CIRCUIT, CO. LTD.,	)	
	)	
Defendant.	)	Oakland, California
	)	Monday, April 11, 2022

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**REPORTER'S TRANSCRIPT OF ZOOM WEBINAR PROCEEDINGS**

**APPEARANCES VIA ZOOM WEBINAR:**

For Plaintiff:                   Stephanie M. Hinds, Esq.  
                                       United States Attorney  
                                       450 Golden Gate Avenue, 11th Floor  
                                       San Francisco, California 94102  
BY: LAURA E. VARTAIN,  
ASSISTANT UNITED STATES ATTORNEY

US Department of Justice  
National Security Division  
9t50 Pennsylvania Avenue N.W.  
Washington, DC 20530

BY: NICHOLAS O. HUNTER,  
STEPHEN J. MARZEN, TRIAL ATTORNEYS

(Appearances continued next page)

Reported By:                   Raynee H. Mercado  
                                     CSR. No. 8258

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**RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 565-7228**

A P P E A R A N C E S (CONT'D.)

For Defendant: Skadden, Arps, Slate, Meagher &  
Flom LLP  
525 University Avenue  
Palo Alto, California 94301  
BY: JACK P. DICANIO,  
EMILY A. REITMEIER, ATTORNEYS AT LAW

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1                   Monday, April 11, 2022

10:03 a.m.

2                   P R O C E E D I N G S

3                   (Zoom Webinar)

4                   **THE CLERK:** Calling criminal case number 18-465,  
5                   United States of America versus Fujian Jinhua Integrated  
6                   Circuit.

7                   Will counsel please state your appearances for the record  
8                   starting with the government counsel.

9                   **MS. VARTAIN:** Good morning, Your Honor. Laura  
10                  Vartain, Nick Hunter, and Steve Marzen for the United States.

11                  **THE COURT:** Thank you.

12                  And for the defendant?

13                  **MR. DiCANIO:** Good morning, Your Honor. Jack  
14                  DiCanio, Matt Sloan, and Emily Reitmeier for the defendant.

15                  **THE COURT:** Very good. Thank you.

16                  The purpose of this conference is -- as you well know, is  
17                  to try to first get an update as to what's happening in the  
18                  People's Republic of China, to confirm whatever the defendant  
19                  understands the circumstances are pertaining to its proposed  
20                  witnesses, and to get some kind of feedback also from the  
21                  government as to their views of what these various new facts  
22                  are.

23                  I received in the interval -- well, a notice; then  
24                  declarations from Wu Junsheng; Wu Kunrong, who's as Albert Wu,  
25                  You Zhenfu and Jinfu Zheng. And is that the correct order of

1       that declarant's name, or did they flip them because they did  
2       it in English?

3                   **MR. DiCANIO:** No, that's the correct order, Your  
4       Honor.

5                   **THE COURT:** All right. So the last name or family  
6       name is Jinfu.

7                   **MR. DiCANIO:** Correct.

8                   **THE COURT:** Okay. Then also filed recently is a  
9       notice of errata from the government. This concerns their  
10      motion -- I'm sorry. I keep doing that. From the defendant,  
11      and I have no excuse except it was kind of a long conference I  
12      was at.

13                  But in any event, notice of errata that the defendant  
14      filed which makes various corrections to cites or other things  
15      in their motion for acquittal.

16                  Now, so --

17                  Okay. I'm not sure who wants to start. Have -- have you  
18      received -- maybe I'll ask Mr. DiCanio, have you received any  
19      information since the time that you filed the various  
20      documents that I just referenced?

21                  **MR. DiCANIO:** Thank you, Your Honor.

22                  Yeah, I received an update last night and then again this  
23      morning with the latest.

24                  So as of this morning our time, which would be Tuesday,  
25      Monday evening China time, all three of the witnesses are

1 still unable to travel and are still considered in that  
2 lockdown state as described in their declarations.

3 The one bit of good news, though, we received from our  
4 co-counsel is it does seem that conditions in Jinjiang are  
5 improving in terms of COVID counts. And I asked them whether  
6 they could determine whether the 14-day period had started or  
7 not. And they did a review of the government websites and  
8 haven't seen anything that can confirm that the 14-day period  
9 has started.

10 But they did indicate that things seem to be getting  
11 better, which is -- so a little bit of -- some positive --  
12 positive news.

13 **THE COURT:** Now, the only problem is that they  
14 apparently wants a zero -- you know, a zero positive report  
15 before they'll start the 14 days in effect. And it -- I mean,  
16 they have to have 14 days of nobody having tested positive.  
17 That is a very high bar, you know, to -- to get over.

18 And there was like an article -- I don't remember what  
19 paper I read it in -- about Shanghai because we've been  
20 reading about that, and they -- the article kind of mirrored  
21 some of the things you said, that there's, like, this  
22 precautionary level and there's control level and they were  
23 hoping that they could do better -- you know, the things were  
24 better. They were maybe making it a little easier, but nobody  
25 was getting out.

1           And I don't know. The whole thing sounds pretty iffy and  
2 grim, frankly, so let's see. Ms. Vartain, are you going to  
3 take the lead on this or --

4           **MS. VARTAIN:** Yes, Your Honor.

5           **THE COURT:** If not -- okay. Fine.

6           So what do you have to say?

7           **MS. VARTAIN:** I don't have any response specifically  
8 to what Mr. DiCanio raised. I do have one item as follow-up  
9 from the Friday filing, which I'm happy to raise now or -- or  
10 wait, as the court prefers.

11           **THE COURT:** Well, why don't you go ahead and -- and  
12 raise the one matter that -- that you do have something to say  
13 about.

14           **MS. VARTAIN:** Sure. So I'm specifically going to  
15 reference paragraph 19 and 20 of the Jinfu Zheng Jinfu [sic]  
16 declaration, which is the last declaration in the set of  
17 filings.

18           **THE COURT:** Right. Let me get that.

19           **MS. VARTAIN:** And those -- yes.

20           **THE COURT:** Okay. And did you say 19 -- which ones  
21 were they again?

22           **MS. VARTAIN:** Well, I'm referring to paragraph 19 and  
23 20.

24           **THE COURT:** Twenty.

25           **MS. VARTAIN:** Twenty of the -- it's Docket 450-4.

1                   **THE COURT:** I have it in front of me. I have it in  
2 front of me. I just -- I just wanted to confirm -- I thought  
3 you said 19 and 20, and I just wanted --

4                   Okay. You have something to say about those.

5                   **MS. VARTAIN:** Yes.

6                   **THE COURT:** Okay. Go ahead.

7                   **MS. VARTAIN:** Yes.

8                   These refer to the applications that Jinhua has made to  
9 the PRC. And as the -- as the court knows, the government is  
10 asking for specificity as to the application, what was granted  
11 and who granted it.

12                  **THE COURT:** Oh.

13                  **MS. VARTAIN:** And the reason for the specificity is  
14 that the government then needs to run it through the state  
15 department. And then through our diplomatic channels, we will  
16 go back to the PRC to confirm.

17                  **THE COURT:** Okay.

18                  **MS. VARTAIN:** And so I need more.

19                  **THE COURT:** Yeah, what's -- can you tell me a little  
20 more specifically and then particularly for Mr. DiCanio also  
21 because he may have that information. It just may not have  
22 been included, or he can get it.

23                  What -- what specifics would you be looking for beyond  
24 that there was an application pursuant to this International  
25 Criminal Judicial Assistance Law of the People's Republic of

1 China, Article 4. And he then says what it provides. And so  
2 he says that's the proper government approval they needed and  
3 that he says that they got it now.

4 Maybe -- do you need to see something in writing?

5 **MS. VARTAIN:** Yes. And to -- I need to know -- says  
6 it was submitted to the "relevant government Chinese  
7 authorities." Who is the relevant government authority?

8 **THE COURT:** Okay. That should --

9 **MS. VARTAIN:** What --

10 **THE COURT:** -- be something they could find.

11 (Simultaneous colloquy.)

12 **THE COURT:** Sorry.

13 Just -- for example, do you have an example of what you  
14 were thinking, or it just has to be more specific?

15 **MS. VARTAIN:** It needs to be more specific.

16 **THE COURT:** Okay.

17 **MS. VARTAIN:** As specific as possible, please.

18 **THE COURT:** Okay.

19 But you had something else that -- no? Yes?

20 **MS. VARTAIN:** Yes. Yes. It says Jinhua received  
21 approval of the application, so the scope of what was approved  
22 I will need to know.

23 I know it was originally for documents and I believe also  
24 for testimony. I -- I suppose I don't need to know what the  
25 document approval was, but certainly for the scope of the

1       testimony approval, you know, I believe that it was for  
2       testimony at Jinhua's facilities.

3           If it covers something else, that would be helpful to  
4       know. And then, likewise, as the next approval that I  
5       understand is going through is happening, the same type of  
6       details for that will be helpful so that we can move -- we can  
7       take those and -- and move it through the state department.

8           **THE COURT:** Other than what they've already got,  
9       you're envisioning they'll need something more?

10          **MS. VARTAIN:** I believe -- and Mr. DiCanio will  
11       correct me if I'm incorrect, but I thought they had applied  
12       for additional approvals. And if I'm wrong about that, please  
13       let me know.

14          **THE COURT:** Okay. I have some recollection along  
15       those lines as well.

16           Let's see, Mr. DiCanio, first of all, for what has already  
17       been sought and obtained, I'm assuming that was done in  
18       writing and if it was that you should then be able to have  
19       both the application and the response to that application in  
20       writing. It will be in Chinese, but someone could then  
21       translate it, and then the government would have exactly what  
22       was sought and obtained.

23          **MR. DICANIO:** Yes, Your Honor. And I -- I apologize.  
24       I thought I had mentioned this at the hearing last week,  
25       but --

1           So the first level of approval was the one that dealt with  
2 providing testimony and documents, documents in connection  
3 with discovery in the case, testimony that would apply  
4 wherever it was given, whether it was in the United States or  
5 in China.

6           Your Honor, that approval was made to the Chinese Ministry  
7 of Justice. That's located in Fujian Province, so it would be  
8 the local branch of the Chinese Ministry of Justice. That  
9 approval application was made. They received approval orally  
10 from the Ministry of Justice.

11           **THE COURT:** Hmm.

12           **MR. DICANIO:** And that's the basis upon which our  
13 client feels it has the authority to move forward.

14           **THE COURT:** Shouldn't it be in writing? Do we know  
15 why they don't have anything, even just a stamp on whatever  
16 they applied for, saying "approved"? You know, something.

17           **MR. DICANIO:** Your Honor, I did ask the client about  
18 that, and they didn't indicate that that would be anything  
19 atypical that the oral authorization is what they can rely on  
20 in these circumstances.

21           And certainly our client has put a declaration where he is  
22 attesting to that process. I would also say that the client  
23 would be the person or the persons and entity most subject to  
24 consequences if they didn't get the appropriate permission.  
25 And so, you know, we feel confident that we have what we need

1 to comply with local Chinese law, so --

2 But we don't have anything in writing, Your Honor. That  
3 is kind of an official approval.

4 **THE COURT:** Who got the so-called oral approval? Who  
5 was on the receiving end of that conversation?

6 **MR. DICANIO:** Your Honor, I don't know the specific  
7 person, whether it was a representative of the client or a  
8 representative of our co-counsel. I certainly can -- can --  
9 you know, figure that out.

10 **THE COURT:** See if you can find that out and exactly  
11 who they talked to. I mean, this is the kind of thing where  
12 somebody could just say we're revoking it or you didn't get it  
13 or you misunderstood or who knows what.

14 It just seems very strange that an official -- do they  
15 have an application form? Or do you just do that kind of by  
16 phone or some kind of handwritten note?

17 Do you know?

18 **MR. DICANIO:** My understanding -- yes, I do.

19 My understanding is that they did submit a written  
20 application and then they would have a series of discussions  
21 where they talk about the nature of the case and why the  
22 evidence is needed. And then what comes back is really the  
23 collective decision of the Ministry of Justice.

24 So it isn't as if there's one person within the ministry  
25 that would say "I approved it." It's more of a agency

1 approval.

**THE COURT:** Yeah, but somebody's got to convey it.

3 Somebody has to convey that oral agency approval.

4                   **MR. DiCANIO:** Understood, Your Honor. And I could  
5 dig into those facts.

6                   **THE COURT:** I mean, and you say a written  
7 application. Is this on a form? Or do they just write up,  
8 Dear sir, we have a trial, and we'd like to, you know, give  
9 evidence in it?

10 (Simultaneous colloquy.)

11                   **MR. DiCANIO:** I don't. I don't know -- what the form  
12 was, Your Honor.

13                   **THE COURT:** All right. If it's a form -- in other  
14 words, that the Ministry of Justice has some kind of  
15 application form, it would be very unusual that somebody  
16 doesn't then have a written approval of it.

17           If it's a handwritten -- not handwritten but typed-up  
18        thing -- you know, just somebody writes a letter to them in  
19        effect, was an application, that may be different. But it  
20        still sounds a little bit strange. I think you should find  
21        out as much detail as you can about that.

I understand they have no reason to misrepresent  
something, your client, but never --

That's a phone ringing here. Somebody will pick it up.

25 But the -- it just doesn't sound, frankly, very official

1 for lack of a better word, so -- and -- and, of course, you're  
2 not given anything that -- no, it's not like you apply for a  
3 permit, and then you get -- you either have the permit in your  
4 hand or you don't have the permit.

5 There's nothing physically in that regard, apparently, to  
6 represent a decision that may not have been given formally in  
7 writing, and so it's just -- I don't know. There's something  
8 that just seems a little bit casual about the whole matter  
9 given that it's all focused on legal, and everybody involved  
10 has probably got some legal training and, yet, they don't have  
11 anything that's looks or sounds legal to me in format.

12 Okay. So that's one. But whatever you can do to -- to  
13 nail that down so that then Ms. Vartain can check it out,  
14 including this oral idea, where maybe somebody at her end  
15 says, yeah, that's how they do it. It's a little weird, but  
16 that's how they do.

17 But, you know, but get as much as you can to fill in those  
18 gaps.

19 Let's see. What else was on that list of needs,  
20 Ms. Vartain?

21 **MS. VARTAIN:** Your Honor, I -- that covers the -- the  
22 prior application that I understand Jinhua made. And I  
23 believe that there's also a more recent application, and  
24 similar details as what we've just discussed for the first one  
25 will be -- we'll need for the second one as well, if I'm

1 understanding the status correctly.

2                   **THE COURT:** It may be that goes to whether they could  
3 show up at the embassy or not, which wasn't an inquiry  
4 originally made of the ministry.

5                   Is that correct, Mr. DiCanio, or not?

6                   **MR. DICANIO:** You're correct, Your Honor.

7                   **THE COURT:** Okay.

8                   Is that pending? Are they having little chats about it,  
9 or what's going on over there?

10                  **MR. DICANIO:** So let me give you an update on -- on  
11 that piece of it. And Ms. Vartain is correct, that is a  
12 separate process. And my understanding of the reason it  
13 needed to be separate is because it was going to be conducted  
14 at an embassy, which was different than what the original  
15 approval contemplated.

16                  That approval was also made in writing to the same agency,  
17 which is the Ministry of Justice in Fujian Province, so, like,  
18 the local branch of the Ministry of Justice.

19                  It was also made in writing, is my understanding.  
20 Discussions were had about that as well.

21                  As of this morning, Your Honor, we still don't have a  
22 response yet. I can tell Your Honor in all candor given  
23 passage of time, I am a little bit more concerned about how  
24 quickly we could get a response.

25                  I know that our client and our co-counsel are pushing

1 very, very hard with their relationships, you know, at the  
2 Ministry of Justice to try to get a response. But I'm getting  
3 increasingly concerned that we may not be able to get that as  
4 quickly as maybe we all would hope.

5 But as of this morning, Your Honor, we still had not  
6 gotten word back, although there is an -- a very significant  
7 push to try to get an answer.

8 **THE COURT:** Okay.

9 Could I ask you just a question about these declarations  
10 while we're on it, just the content.

11 For Albert Wu's declaration, he says "I am the vice  
12 president of Fujian Jinhua Integrated Circuit Company  
13 Limited." And for Jinfu Zheng's declaration, he says, "Your  
14 Honor, I am the vice president of Defendant Fujian Jinhua  
15 Integrated Circuit Limited."

16 How many VP's do they have?

17 **MR. DICANIO:** Your Honor, like the United States,  
18 everybody at a certain level is a vice president. And so it's  
19 not uncommon either there or here to have several.

20 My understanding is that Mr. Jinfu Zheng is more like a  
21 legal -- on the legal side of the house, where Albert Wu is  
22 more operational. But they do have several vice presidents.

23 **THE COURT:** Well, in this country, we have one. If  
24 you worked for Bank of America, there could be, you know, 500  
25 or more, but -- I -- I don't know about countries. Usually

1 they've got one.

2       But, again, this is a company, so they could have, I  
3 guess -- you know, a lot of vice presidents of various  
4 divisions or departments or specialties or what-have-you. But  
5 they didn't specify that. It's -- well, actually, the --  
6 the -- Jinfu Zheng did say he's responsible for overseeing  
7 legal affairs, so yes.

8       Okay.

9           **MR. DiCANIO:** Correct. And he's been our main  
10 contact, Your Honor, on the legal matters.

11          I do have another update if the court would allow me to  
12 get into that now.

13           **THE COURT:** Go ahead.

14           **MR. DiCANIO:** So, Your Honor, this is something that  
15 I -- I have learned just this morning. And I do not have  
16 anywhere near my arms around this. But it seems like one of  
17 the reactions of the Chinese government to the COVID  
18 situations is to start to limit the number of passengers  
19 coming back into the United States per flight.

20          And the way that it's being expressed to me is that  
21 there's a situation where if they reduce by a very significant  
22 percentage, let's say the number of passengers that could fly  
23 from point A into China, that because of the summer months, it  
24 may create an issue with travel back to China.

25          There's an awful lot of youngsters who study abroad and

1 then start to may [sic] their -- make their way back home, so  
2 there may be some issues with respect to getting someone from  
3 the U.S. back into China.

4           **THE COURT:** Well --

5           **MR. DiCANIO:** What concerned me this morning is I was  
6 thinking maybe more in terms of days, and what -- the response  
7 I got back is, no, it may be months.

8           I just say this because I need to dig into it, and I will  
9 this week and -- and give you an update on it. But it's a  
10 further complicating factor.

11          We've also -- Ms. Reitmeier did some quick research and it  
12 looks like it may be difficult to even transfer -- let's say  
13 if we want to go from the U.S. into another country and then  
14 into China.

15           **THE COURT:** Ah, I see.

16           **MR. DiCANIO:** -- that there are some restrictions  
17 about that as well. So we're -- I don't have my hands around  
18 that, Your Honor, but I just wanted to let you know there  
19 seems to be this other issue that's percolating that I have to  
20 figure out.

21           **THE COURT:** Okay.

22          Well, we're not at sort of summer vacation yet, but we're  
23 getting closer. And, frankly, I don't think anybody wants to  
24 wait until when we are at summer vacation for these witnesses.  
25 That's -- you know, we're -- we're in mid-April. And you're

1 talking about -- about a month and a half off or so. And I  
2 don't think we want to wait or even -- maybe a month for that,  
3 but --

4 I don't know. It's beginning to look more like remote may  
5 be the way that we end up going unless there's a really rapid  
6 change in the COVID situation. That decision has been left  
7 pretty much to the government as to what they prefer. And, of  
8 course, they could change their mind as circumstances change  
9 as well.

10 But I think we need a plan of some sort. Otherwise we're  
11 just going to be in limbo here, so -- does anyone have any  
12 suggestions other than --

13 Mr. DiCanio, you have to get some more info for  
14 Ms. Vartain, and as much as you can have that is actually a  
15 written either supplemental declaration or something and any  
16 kind of documentation that might support it would be good.

17 But other than that -- and we can talk -- I'm not sure how  
18 long that might take. But you have to get translated, too, in  
19 all likelihood, so that could be a week, let's say. Maybe not  
20 that long, but around a week.

21 So what are we talking about in terms of regrouping, you  
22 know -- I don't want this to just be kind of going off, you  
23 know, into the sunset and we never know when we're -- we're  
24 coming back for act two here.

25 **MR. DICANIO:** Your Honor, I did have a suggestion for

1 everyone's consideration. You know, one thing we could do is  
2 maybe every Friday provide something in writing where let's  
3 say by 10:00 a.m. on Friday, we submit kind of like a status  
4 report, and then everyone could take a look at it. And then  
5 if Your Honor feels that we should get together on Monday or  
6 even Friday afternoon, we could do that. But that could be  
7 one way for me to kind of give you updates without having to  
8 gather.

9 I am concerned, Your Honor, that I don't know what the  
10 endpoint is in all of this. And so I am a little bit -- I  
11 understand your concern about, you know, how this will -- will  
12 trend.

13 But I certainly could keep the court and everyone aware of  
14 where we are in the moment by some type of written filing that  
15 we file on a particular time and date with the court letting  
16 us know whether you want to have a hearing about it or not.

17 **THE COURT:** Ms. Vartain, let me ask you a question.  
18 I'm not sure about that plan by the way. We'll get back to  
19 that in a second, but --

20 Even if they have approval to go to the embassy, for  
21 example, the -- given the time differential, it just seems to  
22 be so problematic unless, you know, the embassy were open at a  
23 really bizarre hour on Beijing time. And I'm beginning to  
24 think more and more like that -- that's really not perhaps  
25 going to work.

And Mr. DiCanio's sort of the split session idea where you show up first and you're sworn in a more formal setting, and then you repair to a law office after that, I don't know that that really changes the dynamic enough from just starting in a law office to make all of the efforts that would go along even with that worthwhile, although if the government felt that it was better than nothing, then certainly we could do that.

I just don't see you're going to get, you know, foreign service here to be showing up, you know, at what are just ungodly hours in -- in China for this one case. I -- it's possible but unlikely.

And we may be looking at talking about a proceeding in Fujian. Now, I don't know even know if anybody from your team would want to be present during that type of proceeding, and I don't even know if they'd let you in.

But it wouldn't have to go through a letters rogatory proceeding as far as I understand so that if you were in a law office -- and as you said, if they'd only told us sooner, we would have done letters rogatory. Maybe we could sort of try to recreate that.

Do you know anything about the people from the U.S. getting into China, Mr. DiCanio?

And with --

**MR. DiCANIO:** Your Honor, I --

(Simultaneous colloquy.)

**MR. DiCANIO:** I'll need to check, but I -- I think that that's still possible. And certainly we could arrange for neutral sites in -- not in Fujian -- in Jinjiang where the witnesses could travel even today to do that. But I'll -- I'll double-check that for you, Your Honor.

**THE COURT:** I don't know. I just thought if we can't -- you know, maybe we can bring people from here there. If that were at all possible at -- I don't know if they'd -- if they could get slightly out of Fujian, then somebody could do it somewhere where they might not get stuck -- I don't want anyone to go there from the U.S. and get locked down. You --

(Simultaneous colloquy.)

**THE COURT:** -- get out.

**MS. VARTAIN:** There is certainly a quarantine of at least two -- I think sometimes three weeks -- two weeks in a hotel, one week out. Mr. DiCanio may know more. But, certainly, if Mr. Hunter or Mr. Marzen or myself wanted to go, the burdens on us would be extreme.

**THE COURT:** Yes.

**MS. VARTAIN:** Not to mention the uncertainties of whether we could get in or get out. So to me, Your Honor, this sounds like a burden-shifting that wouldn't be necessarily fair or appropriate given timing of the shifting.

**THE COURT:** Well, even if it were earlier -- I mean, even if we're back when you had said if we'd known, and then we

1       got the formal approval and all, I think we would still be  
2       looking at -- because it would still be during COVID, because  
3       the illness people, for example, are all based on COVID --  
4       COVID concerns.

5           And we been at this for quite some time now with COVID.  
6       And China at the beginning was really -- that was very much a  
7       concern. And I don't know that you'd even want to go in  
8       there. But I don't know if it was any better before than now.  
9       Either way it's not great. And I'm not suggesting you should  
10      do it or should have to do it. I was just saying, is that at  
11      all a possibility. And -- I don't know.

12           Anyway, I'm just trying to think any other model that we  
13      could possibly use to allay some, not at all -- some of the  
14      concerns that the government expressed about an atypical way  
15      of taking testimony is all.

16           Well, I don't know about this status report idea. When I  
17      hear, like, status report, I think months go by and, you  
18      know -- I think maybe we ought to have a -- maybe a date for  
19      you to get the additional information to government's counsel.  
20      And then maybe we meet once more at least on a day of your  
21      choice in -- in person unless --

22           And in the interval, if you decide that it's not necessary  
23      collectively, and you want to just suggest some other way of  
24      keeping track, I just -- you know, I -- just picture the ship,  
25      you know, before Columbus sailing off and dropping off, you

1 know, the edge of the earth, and that's what's going to happen  
2 to this case. And I don't want that to happen, so -- yeah.

3 Does anybody want to take it from that point and say  
4 something?

5 **MR. DiCANIO:** Sure. Yeah, sure, Your Honor.

6 Whatever you think is best we're happy to do. Maybe if  
7 you could allow me to just consult with my client -- which  
8 would be my evening -- I'll try to get a sense of when we  
9 could pull that information together. I'll confer with the  
10 government. And maybe we could make a joint proposal as to  
11 when we'd get back together either this week or next --

12 **THE COURT:** Sure.

13 **MR. DiCANIO:** -- for the court's consideration, if  
14 that works for everybody.

15 **THE COURT:** Ms. Vartain, what's your idea?

16 **MS. VARTAIN:** That's fine. I -- we share the  
17 government -- or the court's concern about the timing. And so  
18 I'll look for Mr. DiCanio to let me know what works on his  
19 end.

20 **THE COURT:** Okay.

21 Mr. Marzen, are you at home in your living room, or where  
22 are you?

23 **MR. MARZEN:** Yes.

24 **THE COURT:** Yeah, it looks very nice. And it looks  
25 like the weather is okay there.

1 Is that correct or not?

2           **MR. MARZEN:** Yes, it is. And if the court wants to  
3 indulge (indicating).

4           **THE COURT:** Oh, yes. Okay. Oh, beautiful.

5 Very nice. And it looks like, Mr. Hunter, are you at your  
6 home, too?

7           **MR. HUNTER:** Yep I am as well, Your Honor. There's  
8 construction going out outside my window.

9           **THE COURT:** Okay. Well, I only can see a little bit  
10 of your background, but I could see a lot of his, and it did  
11 not look like an office in any way, shape, or form. It looked  
12 pretty nice, so --

13           **MR. MARZEN:** It will be quite nice, but we'll be back  
14 in your Courtroom 7 whenever you need us.

15           **THE COURT:** All right. Thank you.

16 Well, it rained here this morning, but then it's -- it's  
17 sunny now, so it's fine.

18 Okay. Well, then I'm going to go with the last state of  
19 proposal, which means I'll wait to hear from you, and --

20           **MR. DiCANIO:** Thank you, Your Honor.

21           **THE COURT:** -- I won't put a specific deadline on it.  
22 But if we haven't heard from you after some period of time of  
23 a week or so, somebody's going to get back in touch with you  
24 and say --

25           **MR. DiCANIO:** Understood.

1                   **THE COURT:** Okay.

2                   All right.

3                   **MR. DiCANIO:** Thank you, Your Honor.

4                   **THE COURT:** Ms. Geiger, do you need anything else?

5                   **THE CLERK:** No, Your Honor.

6                   **THE COURT:** Okay. So then that concludes our  
7 proceeding at this time.

8                   Thank you. And everybody stay well.

9                   Okay.

10                  (Proceedings were concluded at 10:36 A.M.)

11                  --oo--

12

13

14                  CERTIFICATE OF REPORTER

15

16                  I certify that the foregoing is a correct transcript  
17 from the record of proceedings in the above-entitled matter.  
18 I further certify that I am neither counsel for, related to,  
19 nor employed by any of the parties to the action in which this  
20 hearing was taken, and further that I am not financially nor  
21 otherwise interested in the outcome of the action.

22

23

*Raynee H. Mercado*

24

Raynee H. Mercado, CSR, RMR, CRR, FCRR, CCRR

25

Tuesday, May 3, 2022